

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BERNARD JEAN-JACQUES,

Plaintiff,

-against-

UBER TECHNOLOGIES, INC., and
UBER USA, LLC,

Defendants.

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Appearances:

For the Plaintiff:

MARK J. LINDER

Harmon Linder & Rogowsky

3 Park Avenue, Suite 2300

New York, NY 10016

For Defendants:

TIMOTHY CARR

Goldberg Segalla

200 Garden Plaza, Suite 520

Garden City, NY 11530

BLOCK, Senior District Judge:

On October 21, 2022, Magistrate Judge Roanne L. Mann issued a Report and Recommendation (“R&R”) recommending that this matter be remanded sua sponte to Supreme Court, Kings County for lack of jurisdiction and procedural defects.

On October 12, 2022, defendants Uber Technologies, Inc. and Uber U.S.A., LLC (“Defendants”) removed this personal injury action to federal court on the basis that parties are citizens of different states and the amount in controversy exceeds \$75,000. Magistrate Judge Mann’s R&R found multiple defects with Defendants’ Notice of Removal.

Magistrate Mann’s R&R stated that failure to object within fourteen days of the date of the R&R waives the right to appeal. No objections were filed.

If clear notice has been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”) (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here.

Accordingly, the Court adopts the R&R without de novo review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
November 21, 2022